

**SABATINI FREEMAN, LLC**

**CARLO SABATINI\***  
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April 19, 2021

I.C. System, Inc.  
444 Highway 96 East  
St. Paul, MN 55164

***VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED***

**Re: Kimberly Llewellyn v. I.C. System, Inc.**  
**Wayne County Court of Common Pleas**  
**Docket No. 142-cv-2021**

Dear Sir or Madam,

Enclosed please find a time-stamped complaint in the above-referenced matter. Please ensure that all evidence related to this lawsuit is preserved. If you have any question about whether evidence would be related to the lawsuit, please contact me to discuss.

Sincerely yours,



Brett M. Freeman

BF/smd

CERTIFIED FROM  
THE RECORD

APR 09 2021

EDWARD G SANDERCOCK  
PROTHONOTARY & CLERK

Kimberly Llewellyn, individually and on  
behalf of all others similarly situated,  
2742 Wrighter Lake Road  
Thompson, PA 18645,

Plaintiff,

v.

I.C. System, Inc.  
444 Highway 96 East  
St. Paul, MN 55164,

Defendant.

Court of Common Pleas of Wayne  
County – Civil Action

Class Action

Case No. 142-CV-2021

Jury Trial Demanded

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.

North Penn Legal Services  
925 Court Street  
Honesdale, PA 18431  
(877) 515-7465

PROTHONOTARY AND  
CLERK OF COURTS  
WAYNE COUNTY, PA  
2021 APR -9 P 2:00

CERTIFIED FROM  
THE RECORD

APR 09 2021

Kimberly D. Llewellyn, individually and on  
behalf of all others similarly situated,  
PROTHONOTARY & CLERK

Court of Common Pleas of Wayne  
County – Civil Action

Plaintiff,

Class Action

v.

Case No. \_\_\_\_-CV-\_\_\_\_

I.C. System, Inc.,

Defendant.

Jury Trial Demanded

## CLASS ACTION COMPLAINT

### **I. Introduction**

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

### **II. Jurisdiction**

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

### **III. Parties**

4. Plaintiff, Kimberly Llewellyn, is a natural person residing at 2742 Wrighter Lake Road, Thompson, PA 18645.

5. Defendant, I.C. System, Inc., (“ICS”) is a corporation with a place of business located at 444 Highway 96 East, St. Paul, MN 55164.

6. ICS uses the mail in its business.

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PROTHONOTARY AND  
CLERK OF COURTS  
WAYNE COUNTY, PA

7. The principal purpose of ICS's business is the collection of "debt" as that term is defined by 15 U.S.C. § 1692a(5).

8. ICS regularly attempts to collect debts asserted to be due to another. The term "debt" is used in this allegation as that term is defined by 15 U.S.C. § 1692a(5).

9. ICS's website says, *inter alia*: "Founded in 1938, IC System is a family-owned, privately-held collection agency serving thousands of clients in industries such as healthcare, small business, financial services, government, communications, education, and utilities. IC System's purpose is to improve financial outcomes for consumers and our clients." <https://www.icsystem.com/faqs/>. *Last visited* March 26, 2021.

#### IV. Statement of Claim

10. Within the past year ICS was attempting to collect from Plaintiff an account that Plaintiff allegedly owed to ATT DIRECTV ("the Account").

11. The Account was used exclusively for Plaintiff's personal, family, and household purposes.

12. The Account is a "debt" as that term is defined by the Act, 15 U.S.C. § 1692a(5).

13. While attempting to collect the Account, ICS was acting as a "debt collector" defined by the Act, 15 U.S.C. § 1692a(6).

14. ICS regularly uses the mail to attempt to collect consumer debts alleged to be due another.

15. On or about December 11, 2020, ICS caused to be mailed a letter addressed to Plaintiff.

16. A true and correct copy of the letter is attached as Exhibit A. (Redacted to ensure financial privacy).

17. The letter was an attempt to collect the Account.

18. The letter stated, *inter alia*: "If you feel you are or have been a victim of Theft of Identity, please call AT&T directly." Hereafter, this sentence is referred to as "the Identity Theft Language."

19. Under the FDCPA, when a consumer lodges a dispute directly with a debt collector, that debt collector must obtain a verification of the debt. 15 U.S.C. § 1692g(b). And, until the verification is obtained, the debt collector must refrain from continued attempts to collect the debt. 15 U.S.C. § 1692g(b).

20. However, the debt collector has no such obligations if a dispute is instead lodged with the creditor to whom the debt is owed.

21. By including the Identity Theft Language, ICS encouraged Plaintiff to dispute the debt in a manner which would be legally insufficient to trigger her rights under the FDCPA.

22. Defendant violated the Act, 15 U.S.C. §§ 1692e, 1692e(10), and 1692g.

### ***V. Class Action Allegations***

23. This action is brought as a class action. Plaintiff brings this action on behalf of herself and on behalf of all other persons similarly situated pursuant to Pa.R.Civ.P. 1702 and 1708(a).

24. The size of the proposed class is believed to be so numerous that joinder of all members is impracticable. Though only ICS knows the exact number of class members, Plaintiff asserts that each class will exceed 40 individuals. The conduct at issue here concerns mass-produced collection letters mailed throughout Pennsylvania.

25. The first proposed class is defined as all persons:

- a. with addresses in Pennsylvania;
- b. to whom, within one year prior to the filing of this action, ICS, while attempting to collect a debt owed to ATT DIRECTV, mailed an initial letter substantially similar to that of Exhibit A.

26. There are questions of law and fact common to the Class. The principal issue is whether Defendant violated provisions of the FDCPA when sending the initial collection letter.

27. Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories.

28. Plaintiff will fairly and adequately protect the interests of the Class.

29. Plaintiff has retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither Plaintiff nor her attorneys have any interest which creates a conflict in the maintenance of the class action. Counsel has adequate financial resources to assure that the interests of the class will not be harmed.

- (a) Common questions of law and fact exist as to all members of the

Class and those questions predominate over any questions or issues involving only individual class members.

(b) The size of the class is expected to be large enough to warrant class treatment. The claims do not present any difficulties that are likely to be encountered in the management of the action as a class action.

(c) There is believed to be no other litigation already commenced against ICS by members of the class involving the issues presented herein.

(d) This is an appropriate forum for the litigation of the claims of the class. Plaintiff's claims, and the claims of all class members, arose in the Commonwealth of Pennsylvania. There is no forum that has a distinct advantage over the Wayne County Court of Common Pleas.

(e) In view of the complexities of the issues and the expenses of litigation, the separate claims of the individual class members are not sufficient in amount to encourage individual actions. The amount of statutory damages that are recoverable by any individual plaintiff in a claim under the FDCPA is limited to \$1,000.00 plus costs and attorney's fees.

(f) It is not likely that the amount which may be recovered by individual class members is so small in relation to the expense and effort of administering the action as not to justify a class action. To the contrary, the amount available to the class members is \$500,000.00, but no more than 1% of the net worth of the debt collector. See 15 U.S.C. § 1692k(a)(2)(B)(II).

WHEREFORE, Plaintiff respectfully requests that relief be granted, on

behalf of the proposed Class, as follows:

- a. that an order be entered certifying the proposed Class and appointing Plaintiff and her counsel to represent that Class;
- b. that judgment be entered against ICS for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(B);
- c. that the Court award costs and attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3); and
- d. that the Court award such other and further relief as the Court deems just and proper.

#### ***VI. Demand for Jury Trial***

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

*Brett M. Freeman*

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Brett M. Freeman  
Bar Number PA 308834  
Attorney for Plaintiff  
Sabatini Freeman, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Phone (570) 341-9000

#### **Certification of Compliance**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

PROthonary AND  
CLERK OF COURTS  
WAYNE COUNTY, PA  
2021 APR - 9 P 2:00



*Brett M. Freeman*

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Brett M. Freeman

**Verification by Plaintiff Kimberly Llewellyn**

I affirm that the averments of fact contained in this pleading are true upon my personal knowledge or information and belief.

*Kimberly Llewellyn*

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Kimberly Llewellyn

**Exhibit A**

**(Letter dated 12/11/2020)**



## ACCOUNT SUMMARY

Creditor: ATT DIRECTV  
 Account No.: [REDACTED]  
 I.C. System Reference No.: [REDACTED]

## COLLECTION NOTICE

12/11/2020

BALANCE DUE: \$254.69

Kimberly Llewellyn:

Your delinquent account has been turned over to this collection agency. ATT DIRECTV is both the original and current creditor to whom this debt is owed.

The account information is scheduled to be reported to the national credit reporting agencies in your creditor's name. You have the right to inspect your credit file in accordance with federal law. I.C. System will not submit the account information to the national credit reporting agencies until the expiration of the time period described in the notice below.

Please tear off the bottom portion of this letter and return it with your payment.

If you would like to settle your account for \$127.35 call I.C. System at 866-798-4116.

If you will be receiving a tax refund and would like to use it to pay your account, please call us to make payment arrangements.

We are a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

## NOTICE

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, we will assume this debt is valid. If you notify us in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, we will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you make a request in writing within 30 days after receiving this notice we will provide you with the name and address of the original creditor, if different from the current creditor.

If you feel you are or have been a victim of Theft of Identity, please call AT&T directly.

This does not contain a complete list of the rights consumers have under Federal, State, or Local laws.

I.C. System, Inc. | 444 Highway 96 East, PO Box 64378, St. Paul MN 55164-0378



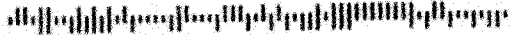
- For questions or payment please go to: <https://www.icsystem.com/consumer>
- Mail check or money order payable to I.C. System, Inc. with coupon below
- Call Toll-Free at 866-798-4116

149011-T01-510-16269-220-System-30686

P.O. Box 64437  
St. Paul, MN 55164-0437  
Electronic Service Requested

☐ Address Changed?

STREET \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
Billing Phone Number \_\_\_\_\_



KIMBERLY LLWELLYN  
2742 WRIGHTER LAKE RD  
THOMPSON PA 18465-9153

**BALANCE DUE:**

**\$254.69**

**I.C. System Reference No.:** \_\_\_\_\_



Pay Online at  
<https://www.icsystem.com/consumer>



**MAKE CHECK OR MONEY ORDER PAYABLE TO:**

I.C. SYSTEM, INC.

PO BOX 64378

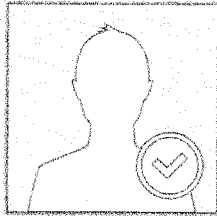
SAINT PAUL MN 55164-0378



# Signature Certificate

Document Ref.: 6B7TW-JHUXS-JRZQP-JMKAH

Document signed by:



**Brett Freeman**

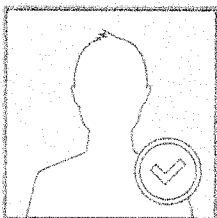
Verified E-mail:  
**brett@bankruptcypa.com**

107.77.241.51

Date: 05 Apr 2021 19:50:06 UTC



*Brett Fr*



**Kimberly Llewellyn**

Verified E-mail:  
**kimberlyllewellyn@yahoo.com**

23.235.27.252

Date: 05 Apr 2021 20:10:40 UTC



*Kimberly Llewellyn*

Document completed by all parties on:

**05 Apr 2021 20:10:40 UTC**

Page 1 of 1



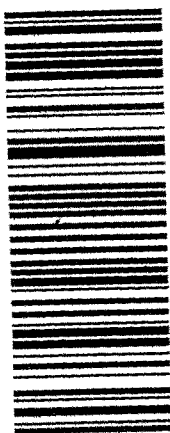
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**CERTIFIED MAIL**

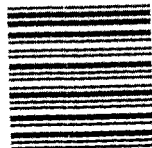
Sabatini Freeman, LLC  
216 N. Blakely Street  
Dunmore, PA 18512



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55127

U.S. POSTAGE PAID  
FCM LETTER  
CHINCHILLA, PA  
18410  
APR 9, 21  
AMOUNT

**\$7.20**

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I.C. System, Inc.  
444 Highway 96 East  
St. Paul, MN 55164

55164

**RETURN RECEIPT  
REQUESTED**

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